

AUG 19 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on
16 August 2004
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By: *Evelyn Gomez*
EVELYN GOMEZ

Atty Docket No: 512.000410US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

REYNOLDS

Application No.: 09/471,101

Filed: 12/21/1999

For: METHOD AND APPARATUS FOR A
REMOTELY SWITCHABLE POWER
SUPPLY

Examiner: HOLLOWAY III, EDWIN C

Art Unit: 2635

REPLY BRIEF

Commissioner for Patents
Alexandria, VA 22313

Dear Sir:

RECEIVED

AUG 24 2004

Technology Center 2600

REPLY BRIEF

New Grounds of Rejection

[0001] Included with the Examiner's Answer to Appeal Brief dated 15 June 2004, the Examiner for the first time cited a page from Newton's telecom dictionary in his response. This definition was supplied by the Examiner in support of a position not previously relied on by the Examiner, that the scope of the word "network" and "network connection" as used in the rejected claims was so broad as to encompass any computer connection or communication connection whatsoever. For convenience, this definition is reproduced below.

[0002] Appellant herein responds to this new ground for rejection. Furthermore, this new grounds for rejection is central to the Examiner's rejection of all claims in view of combinations that rely on LORD for key claim elements. Appellant therefore further responds to Examiner's LORD rejections in combination with other art. This reply brief is made for the limited purposes of

preserving Appellant's arguments in response to the Examiner's new grounds for rejection.

Appellant maintains and incorporates all arguments made in the Appeal Brief.

Definition of "Network" supplied by Examiner accompanying Examiner's Answer of 15 June 2005, from Newton's Telecom Dictionary (1998).

Network 1. Networks are common in our lives. Think about trains and phones.

Computer networks connect all types of computers and computer related things – terminals, printers, modems, door entry sensors, etc. The networks we're most familiar with are long distance ones, like phones and trains. But there are also Local Area Networks (LANs) which exist within a limited geographic area – like the few hundred feet of a small office, an entire building or even a "campus," such as a university or industrial park. There are also Metropolitan Area Networks (MANs).

See also LAN and MAN.

[0003] It is only with this communication from the Examiner that Appellant has understood that the Examiner's position is that the term "network" and "network connection" to encompass any type of computer connection or communication whatsoever (and apparently, "network device" also to encompass any type of device that could be connected to a network.) This Reply Brief is being submitted to preserve Appellant's rights to argue against the Examiner's new grounds for rejection. Appellant previously believed that it was manifest from the initial patent application filing and throughout prosecution that the term "network" and "network connection" as used in the claims would be understood as commonly understood in the art and did not refer to any and all possible interconnections between computer devices.

Scope of the term "network"

[0004] The rejection of all claims and of all the Appellant's previous arguments appears to rest on the Examiner's very broad interpretation of the word "network" and "network connection" as used in the application and claims. The Examiner's position asserts that a serial cable connection of perhaps no more than a foot or two between a single modem and a single computer is a "network" involving a "network connection" and a "network cable." This position is not supported by the art or any of the references cited by the Examiner.

[0005] In defense of this interpretation, the Examiner has relied on the definition from Newton above and used that as a new grounds of rejection. Appellant thanks the Examiner for this clarification. However, the Examiner has not correctly interpreted the definition as provided by Newton. While Newton does state that "Computer networks connect all types of computers and computer related things – terminals, printers, modems, door entry sensors, etc," it is not therefore logically correct that Newton supports the position that ANY connection between a computer and a modem or other device is a network. Newton, in fact, specifically says "The networks we're most familiar with are long distance ones, like phones and trains. But there are also Local Area Networks (LANs) which exist within a limited geographic area – like the few hundred feet of a small office, an entire building or even a "campus," such as a university or industrial park. There are also Metropolitan Area Networks (MANs). See also LAN and MAN."

[0006] Thus, Newton provides three examples of what a communications network would be (1) a long distance telephone network; (2) a Local Area Networks which exist within a limited geographic area – like the few hundred feet of a small office, an entire building or even a "campus," such as a university or industrial park; or (3) Metropolitan Area Networks (MANs). The Examiner

is asked to note that NONE of these examples allows for or suggests that a single cable of a few feet connecting one modem directly to one computer as shown in LORD is a "network."

[0007] Newton further provides the following definition of "local area network":

Local Area Network LAN. A short distance data communications network (typically within a building or campus) used to link computers and peripheral devices (such as printers, CD-ROMS, modems) under some form of standard control... Older data communication networks used dumb terminals ... to talk to distant omputers... Today, LANs have four main advantages: 1. Anyone on the LAN can use any of the peripheral devices connected to the LAN. 2. Anyone on the LAN can access databases and programs running on client servers (superpowerful PCs) attached to the LAN; and 3. Anyone on the LAN can send messages to and work jointly with others on the LAN... "

Metropolitan Area Network MAN. A loosely defined term generally understood to describe a data network covering an area larger than a local area network (LAN), but less than a wide area network (WAN)....

[0008] Note that neither of these definitions provide support for the Examiner's position that "network" is simply the equivalent of any type of computer connection or that "network connection" encompasses a point to point, not multi-access serial cable as discussed in LORD.

[0009] Nothing in LORD, or in the definitions provided in Newton, support the Examiner's position that the cable 60 or cable 70 would ever be considered, under any circumstances, to constitute a network or are network connections. Newton specifically states that a network is a

LAN, a MAN, or a telephone network, and further states that a LAN is characterized where anyone on a LAN can send messages to any other device on a LAN.

[0010] As further evidence that the term “network” would be understood in the art to have a different scope than that urged by the Examiner, Appellant notes that the LORD reference itself uses the term “network” twice, both times to refer to the external network (telephone or private) 45 AND NEVER to refer to interconnect cables 60 or 70. Thus, both the urged reference (LORD) and the Newton definition, support the position that the term “network” is limited to types of interconnections that do not include a one point to one point serial connection between a modem and home computer.

[0011] Appellant used the term “network” and “network connection” deliberately in his application to indicate computer networking technology as understood in the art, for example as the term “network” is defined in NEWTON or used in LORD.

I. The rejection of claims for obviousness is improper.

A. The rejection.

[0012] Claims 1-3, 5-9, 13, 14, 16, 17, 21-31, and 33-37. stand rejected for obviousness over the combinations of CHENG ‘174 or PULIZZI ‘103 in combination with EMM 96 and LORD ‘806. (Final Office Action dated 10 June 2003, page 3). However, the rejections rest on a incorrect interpretation of what is actually shown in the asserted references, particularly in LORD.

[0013] In the present instance, LORD discusses a power controller that uses a carrier detect signal generated by a modem to turn on or off a personal computer. The carrier detect signal is carried on serial cables 60 and 70, which, in light of the arguments above, cannot be considered network cables or involving network connection. Thus, LORD cannot be held to show or teach: “a

first network socket located on said distinguishable surface; wherein said first network socket is able to receive a standard network cable connector and able to receive a control signal transmitted on one wire of a network cable also carrying network data communication signals on one or more separate data wires” as required in claim 1. This is particularly true in light of the Examiner’s new grounds of rejection, in particular the citation from Newton discussed above. LORD also cannot be held to show “wherein power to said controlled power output socket can be turned off in response to a signal received on a control signal pin connection of said first network socket,” also required of claim 1. All of the suggestions in LORD, all of the teachings of NEWTON, and all of the understanding and use in the art, would reject the Examiner’s assertion that the serial connections between modem 40 and device 10 are network sockets or network cables. The network socket in LORD is clear. It is the connection to network 45, as described by LORD. No control signal is received at that socket.

[0014] LORD further, particularly when read in light of the Examiner’s new grounds for rejection, cannot be held to show “placing control circuitry within said housing, said control circuitry operatively connected with one signal pin of said pair of network sockets and said power output socket wherein power to said power output socket may be turned on or off in response to a signal on said one signal pin and wherein communication signals on other pins may be passed through said pair of network sockets” as required in claim 13. There is no disclosure of paired network sockets in LORD. The “network” in LORD is network 45, which connects to the single network socket at the right of modem 40. LORD or NEWTON explicitly contradict the Examiners assertion that connections 100 and 65 can be considered to be paired network sockets.

[0015] LORD further, particularly when read in light of the Examiner's new grounds for rejection, and understanding terms as commonly used in the art, cannot be held to show: *"for each independently controlled set of power outlets and each controllable relay; a first network connection socket having a plurality of pin connections, with one of said pin connections used as a control connection for controlling operation of said relay, said control connection not used to carry data; such that power supplied on one set of said independently controlled sets of power outlets can be turned on or off by applying a control signal to said control connection"* as required in claim 22. The rationale is the same as discussed above.

[0016] The Examiner no longer asserts that any of the other prior art references operate as indicated in the previous three paragraphs or show those elements of the independent claims: in fact, they do not, as previously argued by Appellant. The Examiner thus rests on LORD and NEWTON for that teaching. However, NEWTON, as discussed above, does not support the Examiner's position that the referenced connections are network connections. LORD, furthermore, would have to be modified in a critical way before it could be combined with the other cited references. In LORD, there is NO control signal carried on a network or received at a network connection, as defined by LORD and as defined by NEWTON. Both LORD and NEWTON are unambiguous that the only component of LORD meeting any definition of "network" as that term is used in the references and understood in the art is network 45. The network connection to network 45 is the connection shown at the right side of modem 40 in Figure 1. This connection is not labeled or discussed in LORD, in part because LORD does not teach receiving a control signal at any network connection.

[0017] What LORD does discuss is receiving network data on a network connection of a MODEM and then generating a control signal that was not already present at the network connection

and outputting that control signal on a different local connection to control power. In order to maintain the combination asserted by the Examiner, the Examiner must first modify LORD so that a power control signal is received at the network connection shown at the right of modem 40. This is simply not how LORD operates and the Examiner has shown no teaching or suggestion from the prior art to modify LORD to operate as taught by the claims at issue. In fact, LORD when fairly read teaches away from Appellants claimed invention, in that the control signal is definitely NOT received at a network connection, but is generated locally, after the signal is received from the network connection by modem 40.

[0018] Thus, because all of the Examiner's obvious rejections rely on LORD to teach something that is simply does not teach, the Examiner's rejections should be withdrawn and the claims allowed to issue.

Conclusion

[0019] Appellants submit that the Examiner's rejection of claims 1-14 and 16-21 for obviousness is improper. Withdrawal of these rejections by the Examiner or reversal by the Board is respectfully requested.

[0020] The Commissioner is authorized to charge the fee under 37 C.F.R. § 1.17(c) and any other required fees, or to credit any overpayments, to Deposit Account No. 50-0893. This paper is submitted in triplicate.

[0021] If the Examiner in reviewing this submission does not believe the claims are in condition for allowance, Appellant requests a telephone conference with the undersigned at (510) 769-3508.

Dated: August 16, 2004

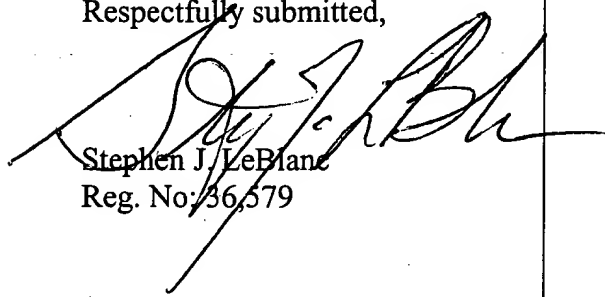
Quine Intellectual Property Law Group (P.C.)

P.O. BOX 458, Alameda, CA 94501

Tel: 510 337-7871 Fax: 510 337-7877

PTO Customer Number 22798

Respectfully submitted,



Stephen J. LeBlanc
Reg. No. 36,579

- Attachments: (1) Newton Telecom Dictionary (January 1998) page 402
(2) Newton Telecom Dictionary (January 1998) page 428